CERTIFIED TRANSLATION

Commonwealth of Puerto Rico
IN THE CIRCUIT COURT OF APPEALS
REGIONAL CIRCUIT I – SAN JUAN
PANEL III

PARTIDO ACCION CIVIL	KLAN9900158
Plaintiff-Appellant	Appeal originating from the Court of First Instance, Superior Court, San Juan Part
v.	
COMMONWEALTH OF PUERTO RICO; STATE ELECTIONS COMMISSION, ETC.	Case No. K PE98-0866 (907)
Defendants-Appellees	

Panel comprised of its president, Judge Arbona-Lago, and Justices Brau-Ramírez and Urgell-Cuebas. Arbona-Lago, J.

JUDGMENT

In San Juan, Puerto Rico, on March 25, 1999.

The Partido Acción Civil appeals a summary judgment entered on January 21, 1999, by the Court of First Instance, Superior Court, San Juan Part, in cause KPE98-0866. Through said decision, the lower court dismissed an action for declaratory judgment and permanent injunction in which certain articles of the Puerto Rico Electoral Act, 16 L.P.R.A. § 3001, *et seq.*, were asked to be declared unconstitutional. The State Elections Commission filed an opposition to the appeal on March 9, 1999.

On March 16, 1999, appellant requested, through a motion in aid of jurisdiction, that it be allowed " . . . to begin collecting endorsements using *ad hoc* notaries." The State Elections Commission opposed said request by motion filed on March 24, 1999. We are now in a position to decide.

Background

On October 6, 1998, the Partido Acción Civil (PAC), a political group interested in becoming a party by petition to participate in the elections to be held in Puerto Rico late in the year 2000, filed the captioned civil action. By petition for declaratory judgment and permanent injunction it requested that the lower court declare unconstitutional Articles 3.001 (3) and 3.002 of the Puerto Rico Electoral Act, 16 L.P.R.A. §§ 3103 (3) *[sic]* and 3102. These legal provisions require that petitions to register a political party in Puerto Rico be sworn before a notary public and filed with the State Elections Commission (SEC) within the term of seven days of having taken the oath in question. In synthesis, the PAC alleged that such requirements are onerous and that they violate the constitutional guarantee of equal protection under the laws, Const. of the Comm. of P.R., Art. II, § 7 (Bill of Rights).

Furthermore, plaintiff requested that the lower court issue an order for preliminary and permanent injunction against the SEC for the SEC not to require that the PAC comply with said legal requirements (§ 3103 (3) *[sic]* and 3102 of L.P.R.A.) and for the SEC to adopt the registration process for candidates who will participate in the internal primaries of the already registered political parties, Art.

4.009 of the Electoral Act, 16 L.P.R.A. § 3159, as an ideal process to register the PAC as a party by petition.

Subsequently, the codefendants appeared before the lower court, through separate motions, requesting the dismissal of the captioned complaint.

After several procedural stages, on November 10, 1998, the PAC filed a "Motion in Compliance with Order, Request for Summary Judgment and Permanent Injunction," in which it listed certain "material facts" which allegedly were not controverted by defendant, and it requested that the illustrious lower court enter summary judgment in its favor, pursuant to the allegations of the complaint. Codefendants timely filed several motions in opposition to the entry of summary judgment.

On January 21, 1999, the lower court entered the judgment appealed, dismissing the captioned complaint in all of its parts. In this way, it decided that for its registration as a political party, the PAC could not demand from the SEC treatment equal to that granted to the parties already registered for internal primaries. In evaluating the alleged unconstitutionality of Articles 3.001 (3) and 3.002 of the Electoral Act, the lower court adopted the analysis of rational nexus, and found that the different legal requirements, depending on whether they were dealing with the registration of a new political party or of an internal primary proceeding in an already registered party, respond to valid and legitimate interests of the State.

Not content, on February 24, 1999, the PAC appealed to this appellate forum[1] and it charged the commission of the following errors:

> 1. The Honorable Court of First Instance erred in applying the scrutiny of reasonableness in evaluating the law applicable to the facts of this case, in contravention of the constitutional minimum provided in the ruling federal case law.
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> 2. The Honorable Court of First Instance erred in concluding that the Partido Acción Civil and its members are not in equal position before the law, for purposes of guaranteeing the reliability of the endorsements to have access to the electoral ballot as candidates, as are the traditional parties and their members and as Pro E.L.A.
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> 3. The Honorable Court of First Instance erred in entering summary judgment without considering all of the uncontroverted facts material to the instant challenge.
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> 4. The Honorable Court of First Instance erred in depriving the Partido Acción Civil and its members of due process of the law in entering summary judgment without an evidentiary hearing to give the opportunity to establish through a preponderance of the evidence that the challenged statutes are unconstitutional in their application.

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[1] From the certificate of the petition for appeal it does not appear that appellant complied with the requirement contained in Rule 58 (B) of our Regulation, 4 L.P.R.A. App. XXII(A). See also *Eastern Sands Inc. v. Roig Com. Bank*, 146 D.P.R. ___, 98 J.T.S. 93.

Having submitted the matter, appellant filed a Motion in Aid of Jurisdiction requesting, as stated above, that this forum authorize the gathering of endorsements using *ad hoc* notaries designated by the SEC and that it order this agency to receive all endorsements, including those filed after the seven day term set forth in Art. 3.002 of the Electoral Act, *supra*.

Discussion and Analysis

I. Procedural Aspect

Appellant alleges that the Court of First Instance erred in entering summary judgment without taking into consideration all of the "material" facts not controverted by defendant. In the alternative, the PAC also states that the illustrious lower court erred in deciding the captioned complaint through summary judgment, without granting it the opportunity to establish through a preponderance of evidence that the challenged statutes are unconstitutional in their application.

As is evident from the record, the PAC filed a motion for summary judgment in which it listed a series of "facts" stated in the complaint, which allegedly were not controverted by appellees; thus, it understood and understands that there is no real substantial controversy as to Articles 3.001 (3) and 3.002 of the Electoral Act:

> "a) they subordinate the creation of parties by petition to the legal profession;
>
> a) they limit the number of endorsements that can be collected on a daily basis;

b) the task of collecting endorsements becomes prohibitive for an attorney because economically it is a losing proposition;

c) an attorney must collect endorsements and prepare four reports in exchange for a dollar;

d) the PAC must undertake a campaign to recruit attorneys before the campaign to collect endorsements;

e) the members of the traditional parties are allowed to be candidates in the primaries without having to have attorneys swear the endorsements;

f) the independent candidates have access to the electoral ballot by collecting endorsements whose oaths are notarized by voters qualified by the SEC to take oaths;

g) the promoters of free association in the electoral process of December 13, 1998 have *[sic]* access to the electoral ballot collecting endorsements whose oaths are notarized by voters qualified by the SEC to take oaths;

h) there are less onerous ways to advance the objective a State may have that the petitions for registration be sworn than requiring an attorney;

i) the seven day requirement to file the endorsements after having taken the oath is too brief and impossible to fulfill;

j) there is no legal or logical foundation to establish at seven days the term to file the endorsements after having taken the oath;

k) the SEC has forty-five days to pass judgment on these endorsements."

As is known, Rule 36 of the Rules of Civil Procedure, 32 L.P.R.A. App. III, R.36, regulates the extraordinary and discretionary remedy of a summary judgment. Consonant with the ruling principle in our procedural system enunciated in Rule 1 of the Rules of Civil Procedure, 32 L.P.R.A. App. III, R.1, Rule 36.3, 32 L.P.R.A. App. III, R.36.3, provides that:

> "The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions offered, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a summary judgment as a matter of law." *[Official translation.]*

The main purpose of a summary judgment is to speed up the processing of a case allowing the entry of judgment without having to hold the trial on its merits, when from the uncontroverted documents accompanying the request and the entire record, *Medina v. Merk*, 95 J.T.S. 52; *Cuadrado v. Santiago*, 126 D.P.R. 272, 280-281 (1990: *Padin v. Rossi*, 100 D.P.R. 259 (1971), it appears that no legitimate issue of facts exists to be discussed, and what remains is to apply the law. *Audiovisual Language v. Natal Parking System*, Opinion of December 15, 1997, 97 J.T.S. 147, p. 400; *Marín v. American Int'l Ins. Co. of P.R.*, Opinion of October 28, 1994, 94 J.T.S. 132, p. 347; *Corp. Presiding Bishop CJC of LDS v. Purcell*, 117 D.P.R. 714, 720 (1986).

The moving party must prove that there is no genuine substantial issue as to any important and pertinent fact, what the procedural system calls "*material*", and that summary judgment should also be entered in its favor, as a matter of law. *Pilot Life Ins. v. Crespo-Martínez*, Opinion

of July 13, 1994, 94 J.T.S. 104, p. 21. Therefore, the opposing party is then in a position to establish to the judicial forum that in reality a genuine issue as to the essential and pertinent facts presented as true by the moving party does exist. *Pilot Life Ins. v. Crespo-Martínez, supra,* p. 21; *Toledo-Maldonado v. Cartagena-Ortiz,* Opinion of December 21, 1992, 92 J.T.S. 173, p. 10229.

It is worth mentioning that in some meritorious cases, the Court may enter summary judgment in favor of a party in a litigation which did not request such remedy; provided that the records have sufficient grounds therefor. In this regard, our highest forum has held that: "There is no doubt that a court may enter summary judgment in favor of a non-moving party if from the records and the documents filed in support and in opposition thereof it appears that no issue exists as to the essential facts and that, as a matter of law, summary judgment should be entered in favor of said party." *M.J.C.A., Minor v. J.L.E.M., Minor,* 124 D.P.R. 910, 930 (1989).

In *Audiovisual Language, etc. v. Natal Brothers, supra,* it has been stated:

> We have repeatedly held that a summary judgment is an extraordinary and discretionary remedy which may only be granted when no genuine issue exists on the material facts and the court is convinced that it has before it the truth as to all of the pertinent facts. Any doubt on the existence of an issue as to the material facts must be resolved against the moving party. **The same may be entered in favor or against the moving party, as may be legally justified.** (Emphasis ours.)

In the situation at issue, the alleged facts in conflict presented by the PAC to attempt to defeat the summary decision more likely constitute the particular opinions and conclusions of the appellant, included in its request for the entry of summary judgment in its favor. In this regard, in *Corp. Presiding Bishop CJC of LDS v. Purcell, supra,* p. 722, it was held that: " . . . it must be born in mind that in a summary judgment proceeding affidavits which contain only conclusions, without specific facts in support thereof, have no probative value, and, thus, they are insufficient to prove the existence of or what is concluded therein. Rule 36.5 of the Rules of Civil Procedure of 1979 (32 L.P.R.A. App. III, R.36.5);" (cites omitted).

Similarly, in the federal jurisdiction it has been held that a statement of facts which contains accommodating opinions, discussions, speculations, and conclusions shall not be considered as facts under the summary judgment proceeding, in order to determine whether in reality a genuine issue exists on the substantial and pertinent ("material") facts which in turn impedes summary disposition, through the application of the legal standards. *Rodríguez v. Puerto Rico Marine Management Inc.*, 975 F.Supp. 132, 124 (D. Puerto Rico, 1997); *Woods-Leber v. Hyatt Hotels of Puerto Rico, Inc.*, 951 F.Supp. 1028, 1034 (D. Puerto Rico, 1996). Therefore, we believe that the Court of First Instance was not required to consider such conclusive allegations and opinions of the PAC as substantial and pertinent facts at issue, in attending to the captioned cause of action through summary means.

Due to the fact that the procedural norms only serve to aid the implementation of substantive law in search of fairness, in order for a summary decision to be justified it

is also necessary that, as a matter of law, the moving party prevail on the merits of the litigious subject. *Tello-Rivera v. Eastern Air Lines*, 119 D.P.R. 83, 84 (1987); *Roth v. Lugo*, 87 D.P.R. 386, 396 (1963).

In this regard, the following pronouncements of the United States Court of Appeals are extremely illustrative:

> "Whether or not opposed, summary judgment can only be granted 'if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact **and that the moving party is entitled to a judgment as a matter of law.**' Fed.R.Civ.P. 56(c);. . . . ' " *Méndez v. Banco Popular de Puerto Rico*, 900 F.2d 4, 7 (1st Cir. 1990). (Emphasis ours.)

> "This court has made clear that the failure of a non-moving party to file timely opposition to a motion for summary judgment does not, in itself, justify entry of summary judgment against that party, but that **"the district court [is] still obliged to consider the motion on its merits, in light of the record as constituted, in order to determine whether judgment would be legally appropriate.'** (Cites omitted.)" *Mullen v. St. Paul Fire and Marine Ins. Co.*, 972 F.2d 446, 452 (1st Cir. 1992). (Emphasis ours.)

In the captioned cause, both the procedural and the substantive requirements are met.

On the other hand, appellant is wrong when it sustains that the lower court entered summary judgment in favor of appellees without first granting the PAC the opportunity to establish the alleged unconstitutionality of

the statutes in question. Plaintiff appears to point out that its allegations are above the scope of the civil procedural system. If that were so, the significant Rules 10.3 and 36 of the Rules of Civil Procedure, 32 L.P.R.A. App. III, R.10.3 and 36, would be totally superfluous.

After examining the instant file, the illustrious lower court found that no substantial genuine issue existed as to any important and pertinent ("material") fact which requires the holding of an evidentiary trial to discuss the same and, thus, impede the procedural mechanism of summary judgment. The illustrious lower court also concluded, correctly, that as a matter of law defendant's position should prevail on the merits of the litigious matter. We consider, therefore, that the Court of First Instance did not abuse its discretion in recurring to a summary judgment. The errors pointed out with respect to the use of a summary judgment were not committed by the lower court.

Let us now examine the statements of error in connection with the constitutionality of Articles 3.001 (3) and 3.002 of the Electoral Act.

II. Substantive Aspect

In this aspect of the issue and in synthesis, the PAC alleges that the requirements set forth in Articles 3.001 (3) and 3.002 of the Electoral Act in connection with the registration of a party by petition are onerous and violate the constitutional guarantee of equal protection under the laws, Constitution of the Commonwealth of Puerto Rico, Article II, § 7 (Bill of Rights).

Our republican system of government has delegated in the Legislative Branch the authority to establish and regulate the electoral process.[2] In pertinent part, Section 4 of Article VI of the Constitution of the Commonwealth of Puerto Rico states:

> "The law shall provide for everything concerning the electoral process and voter registration, as well as anything relative to the political parties and the slates." Const. Comm. of P.R., Art. VI, § 4.

Pursuant to this delegation of authority, on December 20, 1997, the Legislative Assembly enacted the Electoral Act of Puerto Rico, 16 L.P.R.A. § 3001, *et seq.*, as the basic general law applicable to everything concerning the electoral processes. *P.S.P., P.D.P., P.I.P. v. Romero-Barceló, supra,* at p. 262.

The case law has acknowledged that political parties are vested with quasi-governmental powers since they constitute the groups which the citizens use to express their collective will and to peacefully channel the sundry political tendencies and interests of the country's various

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[2] On several occasions the Supreme Court has acknowledged that the Legislative Assembly derives from the Constitution a very broad margin of authority to legislate in matters of electoral affairs. Consequently, it possesses ample authority to determine and regulate everything concerning the electoral process, including the political parties and the slates, although said authority is limited by the axiom of equality immersed in the Constitution. *P.R.P. v. Commonwealth of Puerto Rico,* 115 D.P.R. 631, 637 (1984); *P.S.P., P.D.P., P.I.P. v. Romero-Barceló,* 110 D.P.R. 248, 256 (1980); *N.P.P. v. Electoral Court,* 104 D.P.R. 741, 746.

sectors. *P.I.P. v. S.E.C.*, 120 D.P.R. 580, 616 (1988); *P.R.P. v. Comm. of P.R., supra*, at p. 638.

In recognition of this role, the Electoral Act attributes certain rights and prerogatives to the political parties, such as participation in the Electoral Fund, representation before the SEC through an Electoral Commissioner, and co-participation of its officials in the voting centers. See, Articles 1.015, 1.027, 3.004, 3.022, 16 L.P.R.A. §§ 30112, 3104, 3115, and 3218.

The Electoral Act defines a **party by petition** as:

> "[A]ny group of citizens who, desiring to appear on the electoral ballot of a general election, shall register as a political party, on or before June 1 of the election year, by filing with the Commission sworn petitions to such effect, before notary publics duly admitted to the practice of notary, pursuant to the Notary Act in effect, who shall collect from the Electoral Commission a fee of one (1) dollar for each valid, notarized petition signed by a number of electors of no less than five (5) percent of the total votes cast for all candidates for the office of Governor in the preceding general election. A government program or political platform, as well as the names and addresses of the group of electors that constitute its central directing body, must also be presented.
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> The party shall become registered upon acceptance of said sworn petitions, and from that time on may present a complete slate in all the precincts in accordance with the procedures provided in this subtitle." *[Official translation.]* 16 L.P.R.A. § 3101 (3).

Concurrently, Article 3.002 of the Electoral Act regulates petitions for the registration of a party by petition as follows:

> "The Commission will reject every petition for the registration of a political party signed by a person:
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> (a) Who is not a duly registered elector on the date he signs the petition;
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> (b) Who during the immediately preceding two (2) year period has signed a petition to register another party; or
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> (c) Who has not complied with the formalities established in this subtitle or the regulations adopted hereunder, including the veracity and authenticity of the data stated in the registration petition.
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> The registration petitions of a political party must be filed before the Commission no later than seven (7) days after having taken the oath in question. The Commission, through regulations, shall establish the form and the procedures to be followed for the filing and accepting of said registration petitions." *[Official translation.]*

These requirements stem from the State's legitimate interest in trying to avoid instances of electoral fraud and corruption, *P.S.P., P.D.P., P.I.P. v. Romero-Barceló, supra,* at pp. 270-277, fraudulent or frivolous slates, *In Re: Jorge Luis Landing and José Aulet,* 107 D.P.R. 103 (1978), and voter confusion when presented with multiple candidates on the ballot.

The United States Supreme Court case law has established that under the United States Constitution there is no criterion which must be used invariably and unfailingly on judicial review, with respect to the requirements which by law must be met to register a new political party. *Williams v. Rhodes*, 89 S.Ct. 5 (1968); *Jennes v. Fortson*, 91 S.Ct. 1970 (1971); *Storer v. Brown*, 94 S.Ct. 1274 (1974). The analysis process used in this kind of controversy first requires devising the nature and magnitude of the damage claimed or allegedly suffered by the group requesting registration as a party and which opposes the requirements fixed by law therefor. In light of any unreasonable or severe restriction, the regulation challenged shall be evaluated under the strictest scrutiny. *Norman v. Reed*, 116 L.Ed.2d. 711 (1992). However, when the statute in question imposes reasonable and prudent restrictions, in light of all of the circumstances present, the standard of the balance of interests is applicable. *Anderson v. Celebrezze*, 460 U.S. 780 (1983); known in our jurisdiction as the rational nexus or traditional minimum.

As is known, in general terms the constitutional standard of equal protection under the laws does not, indefectibly, demand equal treatment of all citizens; it prohibits unjustified unequal treatment. Const. Comm. of P.R., Art. II, § 7 (Bill of Rights); *M. & B.S., Inc. v. Dept. of Agriculture*, 118 D.P.R. 319, 332 (1987). When dealing with socio-economic regulations it is necessary to implement traditional analysis, whereby a classification must not be invalidated unless it is clearly arbitrary and a rational nexus cannot be established which justifies a legitimate right of the State. *Disidente Universal de P.R. Inc. v. Dept. of State*, ___ D.P.R. ___ (1998), 98 J.T.S. 68, at p. 1010-1011

M.&B.S., Inc. v. Dept. of Agriculture, 118 D.P.R. 319, 333 (1987); *Vélez Reboyras v. Secretary of Justice*, 115 D.P.R. 533, 538 (1984); *Marina Ind., Inc. v. Brown Bovery Corp.*, 114 D.P.R. at p. 80 (1983). In such cases, the judicial criterion must also presume "juris tantum" that the law is valid and reasonable, thus the burden is on the challenger to prove that there is no rational relationship between the mandate of law and legitimate governmental purposes. *Berberena v. Echegoyen*, 128 D.P.R. 864, 881-882 (1991); *De Paz Lisk v. Aponte-Rogue*, 124 D.P.R. 472; *Vázquez v. Comm. of P.R.*, 113 D.P.R. 148 (1982); *Torres v. Castillo*, 111 D.P.R. 792 (1981).

With respect to the challenge of an electoral law under the constitutional guarantee of equal protection under the laws, in *P.S.P., P.D.P., P.I.P. v. Romero-Barceló, supra*, at pp. 260-261, the Supreme Court of Puerto Rico specifically noted that if: (1) the statute does not establish a classification which is clearly suspicious, (2) does not rely on impermissible constitutional criteria, and (3) does not have the effect of impeding or substantially encumbering the exercise of the right to vote, in analyzing the validity of such classification the court must use the so-called traditional analysis or rational nexus.

In light of the facts reported in the captioned cause of action, we find that the citizens' right to vote is not deprived, limited, curtailed or restricted in any way. This deals only with the legal requirements imposed on all political groups which aspire to concur in the ballot; that is why we are faced with a matter which requires constitutional interpretation pursuant to the above-mentioned traditional scrutiny or rational nexus.

We are forced to conclude that the statutes challenged and the dichotomy of classification between the registration of a political party and an internal primary within an already registered and recognized political party do not impose a severe or onerous restriction on the PAC, in its party inscription process. Such distinction, whose purpose is to pursue two different proceedings in the political ambiance, is totally logical and necessary. It is not the same to claim the right to vote than to register a political party, although both things contain the right to suffrage in our democratic system, they are not identical things. The modern democratic development reports that both important citizen duties may deserve different forms of treatment and regulation and that such responsibility rests on the sound discretion of the legislator. Suffice it to mention that the registration of a voter cannot be regulated in the same way and manner as the registration of a new political party. These are two different entities, although together they form the basic framework of the electoral process.

As stated above, the constitutional principle of equal protection under the laws does not demand that equal treatment always be given to everyone. *Rodríguez v. Comm. of P.R.*, 130 D.P.R. 562, 581 (1992); *People v. Matías-Castro*, 90 D.P.R. 528, 531 (1964); *Zachry Int. v. Superior Court*, 104 D.P.R. 267 (1975); *Alicea v. Córdova*, 117 D.P.R. 680, 696 (1986). The state may make classifications between persons and groups. In fact, without them it could practically not govern. See *Berberena v. Echegoyen*, 128 D.P.R. 864, 882 (1991). The main thing in this regard is that such categories be reasonable and lead to legitimate interests of the state. *Zachry Int. v. Superior Court, supra.*

Similarly, Articles 3.001 (3) and 3.002 of the Electoral Act do not establish a total arbitrary restriction which does not have any relationship whatsoever to the legitimate interests of the State. Thus, it is also justified that the summary judgment appealed be affirmed, as we consider it correct with respect to the interpretation of the substantive law.

Notwithstanding such guarantees (affidavit before a notary and deliveries to the SEC every seven days), it is imperative here to mention that the legislature has become interested in providing some type of aid to the promoters of new political groups, which aspire to form a Party by Petition, provided that does not dilute the former. In this regard, they are exempt from the $3.00 "legal aid" stamp on such affidavit oaths (Law 126, August 12, 1996, 16 L.P.R.A. 3028, supplement) and the SEC pays the promoter group $1.00 "a fee . . . for each valid, notarized petition." 16 L.P.R.A. 3101(3), supplement.

As mentioned previously, plaintiff has not been able to establish that no rational relationship exists between the legal requirements and the legitimate governmental purpose. More so, the PAC attempts to substitute the criterion of the legislature with respect to which reasonable cautionary standards and measures are the ones which should govern the neuralgic process of registration of the PAC as a political party in Puerto Rico.

On the other hand, even though the aforestated would suffice to dispose of appellant's claim, the State has been able to establish that it has legitimate interests which make the adoption of the legal requirements in effect necessary, in order for a group of citizens to be

registered as a political party. These include avoiding instances of electoral fraud and corruption, *P.S.P., P.D.P., P.I.P. v. Romero-Barceló, supra,* at pp. 270-271; fraudulent or frivolous candidacies, *In Re: Jorge Luis Landing and José Aulet,* 107 D.P.R. 103 (1978); or the voter's confusion in light of the presentation of multiple candidates on the ballot.

The requirement that the petitions be presented to the SEC within seven days after the oath was taken is a reasonable measure in light of the need to avoid the accumulation of registration petitions with the SEC, close to the deadline for registering parties; given the limited resources the SEC has with which to carry out this task.

It is indicative to show that the case law of the United States Supreme Court has affirmed the validity of statutes similar to the ones at issue herein. In *American Party of Texas v. White,* 94 S.Ct. 1296 (1974), the Court held that the requirement that petitions for registration of a party be notarized is legitimate and valid. *Williams v. Rhodes, supra,* affirmed a law of the state of Georgia that required that a political group present a number of endorsements equal to five percent of those persons who had been eligible, in preceding elections, for the position for which they wished to run.

Decision

Pursuant to the preceding foundations, the judgment appealed is affirmed and the Motion in Aid of Jurisdiction filed by appellant is Denied.

Notify the parties immediately by mail. In addition, notify this document to the dispositive party by telephone.

So agreed by the Court and certified by the General Clerk.

Aida I. Oquendo-Graulau
General Clerk

Certification

I, Olga M. Alicea, an English-Spanish Interpreter and translator certified to that effect by the Administrative Office of the U.S. Courts, do hereby certify that I have personally translated the foregoing document from Spanish to English and that the translation is true and accurate to the best of my knowledge and abilities.

/s/ Olga M. Alicea
Olga M. Alicea, USCCI